



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1994

Ms. Karen Hendershot Bailey
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR94-048

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 22929.

The City of Victoria has received a request for a copy of an offense report of a theft involving the requestor and three other persons, one of whom, you advise, was a juvenile at the time of the offense. You do not object to release of most of the requested information but claim that information regarding the arrested juvenile is excepted from required public disclosure by section 552.101 of the act in conjunction with section 51.14(d) of the Family Code.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(d) of the Family Code, as amended by Acts 1993, 73d Leg., ch. 461, § 3, at 1852, 1854, provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

[concerning a child] are not open to public inspection nor may their contents be disclosed to the public. . . .

In Open Records Decision No. 181 (1977) at 2, this office held that police reports which identify juveniles or furnish a basis for their identification are excepted by section 51.14(d). *See also* Open Records Decision No. 394 (1983) at 4 (applicability of section 51.14(d) to "police blotter" and related information). You do not indicate that the offense report at issue here relates to a charge for which a child was transferred under section 54.02 of the Family Code to a criminal court for prosecution nor that article 15.27 of the Code of Criminal Procedure applies. Moreover, we understand that none of the exceptions to section 51.14(d) apply here. *See* Family Code §§ 51.14(d)(1), (2), (3). Accordingly, we conclude that the information contained in the requested offense report that relates to a juvenile must be withheld from required public disclosure under section 552.101 of the act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Enclosure: Marked documents

Ref.: ID# 22929

cc: Ms. Sherry Ann Warner
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 Victoria, Texas 77904
 (w/o enclosures)